

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

GERALD MARTINEZ, §  
§  
Petitioner, § CIVIL ACTION NO. C-07-408  
VS. §  
§  
UNKNOWN RESPONDENT, §  
§  
Respondent. §

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION  
TO DISMISS PETITION WITHOUT PREJUDICE**

On November 14, 2007, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that petitioner's habeas claim be dismissed without prejudice. A copy of the Memorandum and Recommendation was mailed to petitioner with a card to be returned indicating his receipt of the mailing. The card has not been returned by petitioner nor has the mailing been returned by the U.S. Post Office as undeliverable. Therefore, seeing no objection to this recommendation by either party and having now reviewed the recommendation, this Court hereby adopts as its own the Memorandum and Recommendation as the decision of the Court. Accordingly, it is

ORDERED that petitioner's habeas claim is dismissed without prejudice.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 12th day of February, 2008.

  
\_\_\_\_\_  
Janis Graham Jack  
United States District Judge